IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

WP(C).No. 30421 of 2007(V)

PETITIONER:

GOPALAN NAIR, S/O CHAPPAN NAIR,
AGED 58 YEARS, SAMADA HOUSE,
KEEZHERIYOOR P.O., KEEZHERIYOOR AMSOM DESOM,
KOYILANDI TALUK, KOZHIKKODE DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:

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1. THE KEEZHERIYOOR GRAMA PANCHAYATH,
REP. BY ITS SECRETARY, KEEZHERIYOOR,
KOYILANDI TALUK, KOZHIKODE DISTRICT.

2. BHARTI AIRTEL LIMITED, N.H.BYEPASS,
KUNDANNOOR, MARADU P.O., COCHIN.

3. J.SEENA, D/O CHEKKOTTI, AGED 30 YEARS,
IYYALLOL HOUSE, KEEZHERIYOOR P.O.,
KEEZHERIYOOR AMSOM DESOM, KOYILANDI TALUK,
KOZHIKKODE DISTRICT.

R2 BY ADV. SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN
BY ADV. SRI.U.K.RAMAKRISHNAN
SRI.DEVIDAS.U.K

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/11/2007, ALONG WITH W.P.(C) 31356/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 30421/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF A COMPLAINT SUBMITTED BY THE PETITIONER ALONG WITH SEVERAL OTHERS BEFORE THE 1ST RESPONDENT.

EXT. P2 : TRUE COPY OF THE MINUTES OF THE MEETING HELD ON 24.9.2007 OF THE 1ST RESPONDENT PANCHAYAT.

EXT. P3 : TRUE COPYOF THE STOP MEMO DATED 5.10.2007 ISSUED BY THE 1ST RESPONDENT PANCHAYAT.

K.M.JOSEPH, J.

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WP.(C) Nos. 30421 & 31356 of 2007

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Dated this the 1st day of November, 2007

JUDGMENT

These two writ petitions are connected and they are being disposed of by a common judgment. The petitioner in W.P.(C) 30421 of 2007 has approached this court complaining of the action of the second respondent in proceeding with the construction of the tower despite the fact that on a complaint filed by the petitioner and others as Ext.P1, Ext.P2 decision has been taken cancelling the permit and Ext. P3 stop memo is issued. W.P.(C) 31356 of 2007 is filed by the second respondent in W.P.(C) 30421 of 2007 challenging Ext.P3, which corresponds to Ext.P2 in W.P.(C) 30421 of 2007, by which the licence has been cancelled. The principal contention raised therein is that though Exts.P1 and P2 permits were given, they have been cancelled by Ext.P3 even without issuing notice or opportunity of hearing.

2. I heard learned counsel for the parties. Learned counsel for the respondent Panchayat submits that it is true that no notice was given to the petitioner in W.P.(C) 31356 of 2007 prior to Ext.P3 decision.

3. Exts.P1 and P2 are permits. They evidence grant of right. Rights granted cannot be taken away without conforming basic principles of natural justice. In as much as it is clear that no notice has been given, Ext.P3 cannot be sustained only on that ground. Ext.P3 in so far as it cancels Exts.P1 and P2 cannot be sustained and accordingly it is quashed.

It is pointed out by the learned counsel for the respondents in W.P.(C) 31356 of 2007 that the Panchayat has also issued Exts.P7 and P8 notices. I make it clear that it is open to the respondent Panchayat to bring the proceedings initiated to its logical and legal culmination. Learned counsel appearing for the petitioner in W.P.(C) 31356 of 2007 submits that the petitioner will proceed with the construction only after complying with the directions contained in Ext.P8.

The writ petitions are disposed of as above.

(K.M. JOSEPH, JUDGE)

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